



**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application

Inventor(s) David M. Britz

Case 2000-0097CON

Conf. No. 6327

Serial No. 10/691,949

Group Art Unit 2633

Filing Date October 23, 2003

Examiner Kinfe Michael Negash

Title **Optical/Radio Local Access Network**

**COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450**

SIR:

Remarks

Reconsideration of rejected claim 1 and objected-to claim 7 is respectfully requested.

In the Office action dated December 2, 2004 (application Paper No. 16), the Examiner cited pending claims 13 and 20-25 as “allowed”, objected to claim 7, and issued a rejection of claim 1.

In particular, the Examiner rejected claim 1 under the judicially-created doctrine of “obviousness-type double patenting”, citing applicant’s prior US Patent 6,788,898. In the rejection, the Examiner stated that a “timely filed terminal disclaimer in compliance

with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground, provided the conflicting application or patent is shown to be commonly owned with this application”.

Indeed, as attested to in the attached Terminal Disclaimer, both the instant application and the cited patent are “commonly owned” by AT&T Corp. Thus, applicant is entering the attached Terminal Disclaimer to overcome the Examiner’s rejection of claim 1, and allow objected-to claim 7 to pass to issue in its dependent form. Applicant respectfully requests the Examiner to review this Terminal Disclaimer, remove US Patent 6,788,898 as a “reference” to claim 1, and allow pending claims 1, 7, 13 and 20-25 to pass to issue.

If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant’s attorney at the telephone number listed below.

Respectfully submitted,

David M. Britz

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Date: 3/1/05